HIGH COURT OF MYSORE, BANGALORE.

Current No. 747 *of* 1930-31, *dated* 20*th June* 1932.

SUBJECT :—*Re*-AMENDMENTS OF RULES 39 (4) & (5) AND 40 OF ORDER XXI CIVIL PROCEDURE CODE, 1911.

It is proposed to amend the existing Rule 39 (4) & (5) and also 40 of order XXI Mysore Civil Procedure Code in conformity with the amendments made by the Madras High Court as noted below ;—

Rule 39 (4).—" Such sum (if any) as the Judge thinks sufficient for the subsistence and cost of conveyance of the Judgment debtor for his journey from the Court house to the Civil Prison and from the Civil Prison, on his release, to his usual place of residence together with the first of the payments in advance under sub-rule (3) for such portion of the current month as remains unexpired, shall be paid to the proper officer of the court before the Judgment debtor is committed to the Civil Prison and the subsequent payments (if any) shall be paid to the officer in charge of the Civil Prison. "

Rule 39 (5).—" Sums disbursed under this rule by the decree holder for the subsistence and cost of conveyance (if any) of the judgment-debtor shall be deemed to be costs in the suit."

Rule 40 (1).—" When a judgment-debtor appears before the Court in obedience to a notice issued under Rule 37, or is brought before the Court, after being arrested in execution of a decree for the payment of money, and it appears to the Court that an insolvency petition has been presented by or against the judgment-debtor or that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree or, if that amount is payable by instalments, the amount of any instalment thereof, the burden of proving the inability to pay being on the judgment-debtor, the Court may upon such terms (if any) as it thinks fit, make an order disallowing the application for his arrest and detention, or directing his release, as the case may be ".

(2) Before making an order under sub-rule (1), the Court shall take into consideration any allegation of the decree-holder touching any of the following matters namely :

Insert after the proviso in sub-rule (5).—" When the Court sees fit to leave a Judgment-debtor in the custody of an officer of the Court and the Judgment debtor does not pay the costs incidental to such intermediate custody, it shall be competent for the Court to require the decree-holder, on pain of his application for arrest being disallowed, to pay into Court such sum as the Judge deems sufficient to cover such costs including batta for process server, subsistence of the judgment-debtor and costs of conveyance, if any, and sums disbursed by the decree-holder under this proviso shall be deemed to be costs in this suit. "

(5. A).—" During the temporary absence of the judge who issued the warrant under rule 37 or 38 the warrant of commital may be signed by any other judge of the same court or by any judicial officer superior in rank who has jurisdiction over the same locality, or where the arrest is made on a warrant issued by the District Judge, the warrant of committal may be signed by any Subordinate Judge or Munsiff, empowered in writing by the District Judge in this behalf."

(6) " No judgment-debtor shall be committed to the Civil prison or brought before the Court from the prison to which he has been committed pending the consideration of any of the matters mentioned in Sub-rule (2) unless and until the decree-holder pays into Court such sum as the Judge may think sufficient to meet the travelling and subsistence expenses of the judgment-debtor and the escort for the journey to and from the Prison."

" Sub-rule (5) of rule 39 shall apply to such payments."

The above draft rules, which it is therefore proposed to make in exercise of the powers conferred by section 122 of the Code of Civil Procedure 1911, are published as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken up for consideration by the High Court on or after the 1st August 1932.

Any objection or suggestion which may be received from any person with respect to the draft rules before the date aforesaid will be considered by the High Court.

---

*Notification No. D*1. *Dis.* 184—31-32, *dated* 21*st June* 1932.

The High Court is pleased to direct that the Notification of the High Court dated 14th December 1931 publishing the list of General Holidays for the Civil Courts in Mysore for the year 1932 be modified to the extent shown below :—

Under General Holidays, *add* Penultimate Saturday in every month.

For " October 6th Thursday to 15th Saturday " (Dasara Holidays) *read* " October 6th Thursday to 8th Saturday. "

Under Note I, *add* Vijaya Dasami (9th October) *after* " Ganesha (4th September)."

N. B. SRINIVASIENGAR,
Deputy Registrar,
Doing duty as Registrar.

IN THE COURT OF THE MUNSIFF AT CHIKMAGALUR.

Insolvency Application No. 4 *of* 30-31.

Mallaiah, son of Giddaiah, resident of Kadur Town ... ... *Petitioner.*

vs.

(1) Vasaraj, (2) Aslajee, (3) Megharaj Heerajee, Co., Residents of Kadur ... ... *Opponents.*

On the application of Mallaiah, abovenamed petitioner adjudged insolvent on the 9th day of July 1931, and upon taking into consideration the report of the receiver as to the insolvent's conduct and affairs, and hearing his pleader, the creditors being absent.

It is ordered that the insolvent be discharged, subject to the following conditions as to his future earnings, after acquired property and income:—

After setting aside out of the insolvent's earnings, after acquired property, and income for the support of himself and his family, the insolvent shall pay the surplus, if any (or such portion of such surplus as the Court determine), of such earnings, after acquired property, and income to the Court for distribution among the creditors in the insolvency. An account shall, on the 1st day of January in every year, or within fourteen days thereafter, be filed in these proceedings by the insolvent, setting forth a statement of his receipts from earnings, after acquired property, and income during the year immediately preceding the said date, and the surplus payable under this order shall be paid by the insolvent into Court within fourteen days of the said account.

Dated this 22nd day of June 1932,

M. R. SUNDARA RAO,
Munsiff.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION IN MYSORE, BANGALORE.

MYSORE LOCAL EXAMINATIONS.

Notification D. No. 98—31-32, *dated* 27*th June* 1932.

The Proficiency Examination in Kannada for all Non-Gazetted Officers in the Education Department of a pay of Rs. 100 and over, whose mother-tongue is not Kannada or who are of foreign nationality, will be held, in the Office of the Director of Public Instruction, New Public Offices, Cenotaph Road, Bangalore, at 12 Noon on Monday the 8th August 1932:—

I. Standard of Examination:—

	Marks.
1. Reading fluently and construing with readiness and accuracy not less than an ordinary octavo page of Kathamanjari	100
2. Translating accurately and with correctness of Idiom and Grammar a passage in narrative of historical style from English to Kannada...	100
3. Reading and translating readily and correctly Kannada manuscripts which may be selected from the proceedings of a case in Court, from Reports and Arzis addressed to Civil authorities, from letters passing between natives of India in the ordinary course of business or from private correspondence. These manuscripts should not be written with the clearness of a printed book nor yet in a cramped or crabbed hand, but in such a manner as fairly to represent the written characters as they are practically formed in the State	100
4. Conversing with the Examiners or with one or more natives of Mysore, with fluency and with such correctness or pronunciation, Grammar and Idiom as to be at once intelligible	100

N.B.—(i) No candidate will be held to have passed the Examination who has not obtained half the maximum marks on the whole and half the maximum marks in the last item of the Examination.

(ii) European Officers and Officers of other foreign nationality will be exempted from the portion of the examination relating to *Reading Manuscripts* (*Vide* 3).

II. The last date for receiving applications from the candidates for the Examination is 20th July 1932. Application forms for admission can be obtained from the Secretary, Mysore Local Examinations Boards, Bangalore.

Notification D. No. 99—31-32, *dated* 27*th June* 1932.

The Mysore Educational Service Proficiency Examination of 1932 will be conducted in the Government High School, Fort, Bangalore, commencing from Wednesday the 17th August 1932, should there be candidates for the Examination.

The detailed time-table of the Examination will be sent along with the Admission Ticket.

Applications for admission to the Examination should reach the Secretary, Mysore Local Examinations Boards, Bangalore, not later than the 20th July 1932.